

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

ANGELA CHRISTINE BASHORE

V.

RESURGENT CAPITAL SERVICES, L.P.,
ET AL.

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CASE NO. 4:10-CV-585
Judge Schneider/Judge Mazzant

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On March 15, 2011, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant Financial Recovery Services, Inc.'s ("FRS") Renewed Motion to Dismiss (Dkt. #48), Defendant Academy Collection Services, Inc.'s ("Academy") Renewed Motion to Dismiss (Dkt. #45), Defendant Resurgent Capital Services, L.P.'s ("Resurgent") Renewed Motion to Dismiss (Dkt. #39), RLI Insurance Company's ("RLI") Motion to Dismiss (Dkt. #38), and LVNV Funding, LLC's ("LVNV") Renewed Motion to Dismiss (Dkt. #40) should be granted.

Defendants object to Plaintiff attaching exhibits to Objections to the Report and Recommendation, asserting that the motions to dismiss were evaluated based upon a review of Plaintiff's last pleading. Defendants also assert that Plaintiff failed to offer any of these exhibits in her response to the motions to dismiss. The Court agrees that the attachments are improper and the exhibits to the Objections shall be stricken and not considered by the Court. The Court would also note that although Plaintiff is proceeding *pro se*, she was given an opportunity to file an amended

pleading in response to motions to dismiss filed by Defendants. Plaintiff has failed to allege facts that would support a plausible claim for relief against Defendants.

The Court, having made a *de novo* review of the objections raised by Plaintiff (Dkt. #74) , as well as Defendants' responses and objections to Plaintiff's objections (Dkt. #76, #77), is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court.

It is, therefore, **ORDERED** that Financial Recovery Services, Inc.'s. Renewed Motion to Dismiss (Dkt. #48), Academy Collection Services, Inc.'s Renewed Motion to Dismiss (Dkt. #45), Resurgent Capital Services, L.P.'s Renewed Motion to Dismiss (Dkt. #39), RLI Insurance Company's Motion to Dismiss (Dkt. #38), and LVNV Funding, LLC's Renewed Motion to Dismiss (Dkt. #40) are **GRANTED** and the case is **DISMISSED** with prejudice

It is SO ORDERED.

SIGNED this 1st day of April, 2011.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE